

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:21-CR-3-FL-1

UNITED STATES OF AMERICA

v.

MARLON HAIGHT,

Defendant.

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ORDER

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert T. Numbers, II, (DE 44), regarding defendant’s motion to dismiss (DE 31). Defendant has filed an objection, and in this posture this matter is ripe for ruling.


The district court reviews de novo those portions of a magistrate judge’s M&R to which specific objections are filed. 28 U.S.C. § 636(b). Absent a specific and timely filed objection, the court reviews only for “clear error,” and need not give any explanation for adopting the M&R. Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). The court does not perform a de novo review where a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate’s proposed findings and recommendations.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

In this case, the magistrate judge has cogently addressed the issues raised by defendant. In defendant’s objection, defendant does not direct the court to any specific error in the analysis by the magistrate judge. Instead, defendant describes new evidence obtained “[s]ince the Recommendation was filed on January 24, 2022.” (Obj. (DE 49) at 7). Upon careful review of the M&R and of the record generally, having found no clear error in the analysis of the M&R, the

court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, defendant's motion is DENIED. Nevertheless, in light of the new evidence described in the objection, the court CONSTRUES defendant's objection as including a renewed, amended, motion to dismiss the indictment based upon the new evidence described. The court DIRECTS the government to respond to this renewed, amended, motion to dismiss within 14 days of the date of this order.

In light of the renewal of defendant's motion, it is ordered that arraignment is continued and will be reset to occur no sooner than 45 days after the court's ruling on the now pending motion to dismiss. It is further ordered that any delay that results from this continuance is excluded from the Speedy Trial Act computation pursuant to 18 U.S.C. § 3161(h)(7)(A) for the reason that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial.

SO ORDERED, this the 12th day of April, 2022.



LOUISE W. FLANAGAN
United States District Judge